for no distinct equitable relief. *Held*, that this proceeding does not invest these foreign receivers with powers to sue in Illinois. *Fairview Fluor Spar & Lead Co.* v. *Ulrich*, 44 Chic. Leg. News 81 (C. C. A., Seventh Circ.). See NOTES, p. 282.

RIGHT OF SUPPORT — DRAINAGE OF PERCOLATING WATERS. — The defendant, while draining its land, withdrew water from the subterranean soil of the plaintiff's adjoining land. This caused a consolidation of the earth and a settlement of the surface, to the damage of the plaintiff. *Held*, that the plaintiff cannot recover. *New York, etc. Filtration Co.* v. *Jones*, 39 Wash. L. R. 718 (D. C., Ct. App.).

This case seems to be the first American decision on the subject. It follows the well-settled English rule that the right of lateral support of an adjoining landowner is subordinate to one's own right of intercepting percolating waters. *Popplewell* v. *Hodkinson*, L. R. 4 Exch. 248; *North-Eastern Ry. Co.* v. *Elliot*, 1 Johns. & H. 145. The reason for this doctrine is that otherwise there would be a tendency to restrict the improvement of land for engineering, agricultural, and similar purposes. See 20 HARV. L. REV. 487.

TORTS — INTERFERENCE WITH BUSINESS OR OCCUPATION — COMPETITION BETWEEN WHOLESALER AND RETAILER. — The defendant, a wholesaler of oil, when the plaintiff, a retailer, began purchasing of other wholesalers, entered into the retail business to drive the plaintiff from business, and by means which involved trespasses and fraud ruined the plaintiff's business. The defendant then retired from the retail business. *Held*, that the plaintiff has a cause of action against the defendant. *Dunshee* v. *Standard Oil Co.*, 132 N. W. 371 (Ia.).

Modern authority holds an intentional interference with the plaintiff's business an actionable wrong which calls for justification. *Jersey City Printing Co.* v. *Cassidy*, 63 N. J. Eq. 759, 53 Atl. 230. See *Mogul Steamship Co.* v. *McGregor, Gow & Co.*, 23 Q. B. D. 598, 613. If the defendant is directly or indirectly a real business competitor of the plaintiff, he is justified, unless methods unlawful *per se* are used. *Robison* v. *Texas Pine Land Association*, 40 S. W. 843 (Tex.). Cutting prices is not a method of business which of itself will destroy the justification of competition. *Passaic Print Works* v. *Ely & Walker Dry Goods Co.*, 105 Fed. 163; *Mogul Steamship Co.* v. *McGregor, Gow & Co.*, *supra*. The principal case professes to follow a case holding a banker liable for setting up a barber shop, not for profit, but solely to injure the plaintiff's business. *Tuttle* v. *Buck*, 107 Minn. 145, 119 N. W. 946. See 22 HARV. L. REV. 616. But in that case there was no competition between the parties, and hence no justification. There are competitive interests which justify a retailer's attempt to control the business policy of a wholesaler of the same commodity. *Bohn Mfg. Co.* v. *Hollis*, 54 Minn. 223, 55 N. W. 1119. The same interests would seem to justify a wholesaler's attempt to control the business policy of a retailer. The actual decision of the principal case is correct, since fraud and trespass are means which are unlawful *per se*, and hence destroy the justification of competition. *American Waltham Watch Co.* v. *United States Watch Co.*, 173 Mass. 85. It was unnecessary, therefore, for the court to take the ground that the purpose of the defendant itself destroyed that defense. *Cf. Dunshee* v. *Standard Oil Co.*, 126 N. W. 342 (Ia.).

TRUSTS — CREATION AND VALIDITY — BEQUEST UPON SECRET UNDERSTANDING. — A woman who desired to leave her property to certain charities was warned by her solicitor that such a bequest would be void under the local mortmain statute. She therefore made an absolute bequest to a trust company of which the solicitor was an assistant trust officer. *Held*, that there is a trust for charity rendering the gift void. *In re Stirk's Estate*, 81 Atl. 187 (Pa.).